

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

GRAHAM-FIELD, INC., et al.,
Plaintiffs,

v.

TUFFCARE, INC.
Defendant.

CIVIL CASE NO: 98-1306 (DRD)

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U.S. DISTRICT COURT
SAN JUAN, P.R.

ORDER

On February 11, 2003 the Court ordered Plaintiff to show good cause (Docket No. 153) why Defendant should be sanctioned more than \$10,000 in relation to Defendant's failure to comply with the Court's clearly communicated order.

The Court's order of February 11, 2003 explained the basis for Defendant's sanction. "On August 13, 2002, the Court ordered Defendant to comply with discovery demands and produce certain documents by no later than August 21, 2002 (Docket No. 130). The Court forewarned that a \$5,000 per day fine would be imposed for failure to comply with the Court's order and that no extensions would be granted. At the September 17, 2002 conference, the Court again ordered Defendant to produce said documents; with an understanding that said documents would be produced by September 20, 2002, and show cause within ten (10) days why fines should not be levied. Defendant filed on September 27, 2002, a motion for an extension of twenty (20) days to produce the documents and show cause (Docket No. 145). Defendant then produced the documents on October 3, 2002 (Docket No. 146), yet never filed any reply to the Court's Order to Show Cause."

Although based on the Court's earlier order Defendant should have been sanctioned \$210,000, the Court found that the prejudicial sting of Defendant's actions had been lessened by the filing of Plaintiff's amended complaint. Plaintiff responded to the Court's order to show cause; however, the Court is still of the opinion that a \$10,000 sanction is more than appropriate given the fact that the amended complaint was filed and this case has continued to drag on. As a result, the Court hereby sanctions Defendant E1 Enterprises, via monetary fine, the sum of \$10,000. The fine is to be paid forthwith.

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Both parties are again reminded that "[l]itigants have an unflagging duty to comply with clearly communicated case-management orders..." Rosario-Diaz v. Gonzalez, 140 F.3d 312, 315 (1st Cir. 1998).

IT IS SO ORDERED.

Date: July ¹⁶/₁₅, 2003.



DANIEL R. DOMINGUEZ
U.S. District Judge

s/c: to be notified.